

Department of Conservation
Reasons for Amendments to Conflict of Interest Code
November 14, 2003

The Department of Conservation (Department) is amending its conflict of interest code to bring it current with the existing organizational structure of the agency. It reflects the Fair Political Practices Commission's interpretation of "makes or participates in making decision" to include "advising or making recommendation to the decision-maker by conducting research or preparing reports, analysis, or opinions." The specific amendment and an explanation of each proposed change is as follows:

Technical Clean up

In the Note, Government Code Section 87304 is deleted and Government Code section 87306 is added; Section 87304 was a typographical error.

The program title "Office of Mine Reporting and Reclamation Compliance" is amended to read "Office of Mine Reclamation" because that is the present name used.

Under the program title "Office of Governmental and Environmental Relations," a typographical error has been corrected by adding "al" to the word "Government."

All references to "Division of Mines and Geology" are changed to "California Geological Survey" because that is the present name used.

Executive

The position title "Special Representative, State Mining and Geology Board" is amended to read "Executive Officer, State Mining and Geology Board" because that is the current position title.

The position title "Designation Coordinator" is deleted. This position is no longer used by the Department.

The position title "Public Information Officer III, Director Public Affairs Office" is deleted. It is replaced with the "Communications Director" position title and listed under the Public Information Office.

The position title "Assistant Director, Policy and Planning" is deleted. It is no longer used by the Department.

The position title "Assistant Director, Division of Recycling" is moved into the Division of Recycling.

The position title “Equal Employment Opportunity and Strategic Planning Officer” is added. It is a new position. The person in this position participates in making decisions on behalf of the Department by advising or making recommendations to the decision-maker, by conducting research, or preparing reports, analyses or opinions.

The position title “Retired Annuitant” is added because the person in this position participates in making decisions on behalf of the Department by advising or making recommendations to the decision-maker.

Office of Mine Reclamation

The position title “Chief, Assistant Director, Office of Mine Reporting and Reclamation Compliance” is amended to read “Assistant Director, Office of Mine Reclamation” because that is the current position title.

The position title “Program Manager for Mined Land Reclamation Unit” is amended to read “Manager, Reclamation Unit” to reflect the current name of that unit.

The position titles “Manager, Abandoned Mines Lands Unit” and “Manager, Reporting and Compliance Unit” are added. The employees in these positions participate in making decisions on behalf of the Department.

The designation of “All Staff Performing SMARA Compliance” is amended to clarify that this designation refers to staff in the Reporting and Compliance Unit.

The definition of Disclosure Category 3 has been revised to specifically reference the Office of Mine Reclamation.

Legal Office

The position title “Administrative Advisor” is deleted. It is no longer used. The title, “Chief Counsel” is added.

The position title “Senior Staff Counsel” is added because the employees in these positions make or participate in making decisions on behalf of the Department.

The position title “Retired Annuitant” is added. The employee in this position makes or participates in making decisions on behalf of the Department.

Office of Governmental and Environmental Relations

The position title “Environmental Coordinator” is deleted. The position is no longer used.

Public Information Office

The office title "Public Information Office" is added.

The position titles "Communications Director," "Staff Services Analyst" and "Recycling Specialist" are added. The employees in these positions make decisions on behalf of the Department or participate in making decisions by advising the decision-maker.

Division of Land Resource Protection

The position title "Assistant Director," is amended to read "Assistant Director, Division of Land Resource Protection" because that is the present position title.

The position title "Associate Environmental Planner" is added because the person in this position participates in making decisions on behalf of the Department.

The following program title is added: "California Farmland Conservancy Program."

Under this program, the following position titles are added: "Senior Land and Water Use Analyst," "Research Analyst," "Associate Governmental Program Analyst," "Associate Land Agent" and "Associate Land and Water Use Analyst." These position titles are added because the employees participate in making decisions on behalf of the Department by advising or making recommendations to the decision-maker by conducting research, or preparing reports, analyses or opinions.

The following program title is added: "Resource Conservation District Assistance Program."

Under this program, the following position titles are added: "Environmental Scientist" and "Associate Governmental Program Analyst" because they participate in making decisions on behalf of the Department by advising or making recommendations to the decision-maker, by conducting research, or preparing reports, analyses or opinions.

The following program title is added: "Farmland Mapping and Monitoring Program."

Under this program, the position of "Senior Land and Water Use Analyst" is added because the person in this position participates in making decisions on behalf of the Department.

The following program title is added: "Williamson Act Program."

Under this program, the following position title is added: "Environmental Program Manager," because this new position makes or participates in making decisions on behalf of the Department.

The following position titles are added: “Staff Environmental Scientist,” “Associate Environmental Planner,” “Associate Governmental Program Analyst” and “Research Analyst.” These positions are added because they participate in making decisions on behalf of the Department by advising or making recommendations to the decision-maker, by conducting research, or preparing reports, analyses or opinions.

A new disclosure category, “Category 6,” is added to specify the types of financial interests a Division of Land Resources Protection employee should disclose.

Division of Administration

The position title “Assistant Director, Administration” is added. It is a reestablished position.

The position title “Museum Director” is deleted. The Museum has been moved to another state agency.

The position title “Personnel Officer” is deleted because it is no longer used.

The position titles “Chief, Human Resources” and “Assistant Chief, Human Resources” are added because the employees in these positions make or participate in making decisions on behalf of the Department.

The position title “Business Services Officer” has been amended to read “Business Services Officer (Supervisor)” to reflect the correct title of this position.

The designation of “All Accounting Officers” is amended in a non-substantive, editorial change to “Accounting Officer” and placed immediately beneath Accounting Administrator.

The position title “Data Processing Manager” is deleted. The position was replaced by “Assistant Director, Office of Technology Services” and moved under the added “Office of Technology Services.”

The position title “Program Budget Specialist” is added because the employees in these positions make or participate in making decisions on behalf of the Department.

Office of Technology Services

The following office title is added: “Office of Technology Services.”

Under Office of Technology Services, the following positions titles are added: “Assistant Director, Office of Technology Services,” “Manager for Applications Development,” “Manager of Operations,” “Systems Network Administrator” and “Geographic Information Systems Support Lead” because they make or participate in making decisions on behalf of the Department.

California Geological Survey

The division title “Division of Mines and Geology” is deleted. The new division title “California Geological Survey” is added.

The position title “Principal Geologists” is deleted because those positions are no longer used.

The position title “Program Planning Officer” is deleted because it is no longer used.

The position titles “Program Managers for North SMARA and South SMARA” are deleted because this program was removed in the budget process.

The position titles “Program Manager for Earthquake Engineering,” “...Geologic Hazards Assessment” and “...Environmental Assessment” are deleted because they are no longer used.

The following language is deleted: “All Professional Environmental Impact Report and Site review Staff in Advisory Services Unit” because the specific position titles are added instead.

This position title “Southern CA Geohazards Expert in Tectonic Mapping Unit” is deleted. The position is included under “Senior Geologist”.

The position title “Senior Geologist” is added because the employees in these positions make or participate in making decisions on behalf of the Department.

The position title “Staff Services Manager” is added because the employees in this position make or participate in making decisions, including negotiating contracts, on behalf of the Department.

The program title “Seismic Hazards Mapping Program” is added.

Under this program, the position titles “Senior Engineering Geologist,” “Engineering Geologist” and “Research Manager” are added because the employees in these positions make or participate in making decisions on behalf of the Department by advising or making recommendations to the decision-maker by conducting research or preparing reports, analyses, or opinions.

The program title “Regional Geologic and Hazards Mapping Program” is added.

Under this program, the position titles “Senior Geologist,” “Senior Seismologist” and “Senior Engineering Geologist” are added because the employees in these positions make or participate in making decisions on behalf of the Department by advising or making recommendations to the decision-maker, by conducting research or preparing reports, analyses, or opinions.

The program title “Timber Harvest Enforcement & Watershed Restoration Program” is added.

Under this program, the position titles “Senior Geologist” and “Engineering Geologist” are added because these employees participate in making decisions on behalf of the Department.

The program title “Strong Motion Instrumentation/Earthquake Engineering Program” is added.

Under this program, the position titles “Staff Electronics Instrumentation Engineer,” “Senior Civil Engineer” and “Senior Seismologist” are added because these employees make or participate in making decisions on behalf of the Department by advising or making recommendations to the decision-maker, by conducting research or preparing reports, analyses, or opinions.

The program title “Mineral Resources Program” is added.

Under this program, the position titles “Senior Geologist” and “Engineering Geologist” are added because these employees make or participate in making decisions on behalf of the Department by advising or making recommendation to the decision-maker by conducting research or preparing reports, analyses, or opinions.

Division of Oil, Gas and Geothermal Resources

The disclosure category for District Oil and Gas Supervisor is amended by deleting category 5 and adding category 4. This change corrects an error. Category 5 does not apply to Oil and Gas employees.

The blanket listing “All Staff Performing Permitting and Surveillance, Investigations, Inspection or Regulation Enforcement” and working titles “District Oil and Gas Supervisors,” “Geothermal Officer,” “Technical Services Manager” and “Legislative, Regulation and Environmental Review Specialist” have been deleted. They have been replaced by specific civil service classification titles. Persons in all of these classifications make or participate in making decisions on behalf of the Department by advising the decision-maker or conducting research or preparing reports, analyses, or opinions.

Division of Recycling

The position title “Assistant Director, Division of Recycling” has been added here.

Rather than specifying individual branch or unit names that might change in the future, the terminology “All Branch Manager and Supervisors” is used.

The following classifications or series are listed: “Environmental Program Manager (non-supervisory),” “Management Services Technician,” “Staff Services Analyst,” “Associate Governmental Program Analyst,” “Recycling Specialist,” “Auditor,” “Research Analyst,” “Research Program Specialist,” “Graphic Artist,” “Environmental

Scientist” and “Retired Annuitant” are added.” Persons in these classifications participate in making decisions on behalf of the Department by advising or making recommendations to the decision-maker, by conducting research, or preparing reports, analyses or opinions.

Former Disclosure Category 5 language has been deleted and replaced with language specific to the Division of Recycling. The language added is broader in scope than the previous language.

Consultants

Changes to this portion of the regulation are nonsubstantive. A new “Consultants” heading has been added, as well as “(Department-wide)” to clarify how broadly this designation should be applied.

The language explaining how consultants should be treated as to disclosure requirements has been moved under the line providing that consultants, department-wide, are designated as category 1. The language also has been clarified.

Disclosure Categories

Non-substantive, editorial changes have been made throughout to clarify.

Category 3 has been amended to reflect the new division name, “California Geological Survey,” and specific reference has been added for the Office of Mine Reclamation.

A new definition of Category 5 that is specific to Division of Recycling has been added. Additionally, new language has been amended into Category 5 for Division of Recycling that broadens the scope of disclosure for Recycling employees.

A new Category 6 has been added that is specific to employees of the Division of Land Resource Protection.